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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Geoffrey Maseruka

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WARD AND SMITH, P.A.

1001 COLLEGE COURT

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EXAMINER

LEVINE, ADAM L

ART UNIT

PAPER NUMBER

3625

NOTIFICATION DATE

DELIVERY MODE

06/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/681,916	Applicant(s) MASERUKA, GEOFFREY	
	Examiner ADAM LEVINE	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-16,18,20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-16,18,20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 5, 2009, has been entered.

Response to Amendment

Applicant's amendments and remarks filed October 5, 2009, are responsive to the office action mailed August 4, 2009. Claims 1, 3-16, 18, 20, and 22-24 were previously pending and claims 1, 10, and 13 are amended. Claims 1, 3-16, 18, 20, and 22-24 are therefore currently pending and examined in this office action.

Response to Arguments

Pertaining to objection to the specification

Applicant's arguments filed October 5, 2009, have been fully considered but they are not persuasive. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "Found shelf space" is not

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introduced or described in the specification. Applicant cites specification paragraphs 0016, and 0038-0039 for support. The closest description to this concept in any of those paragraphs is "providing information on vendors with available shelf space... including information on available shelf space and cost of the shelf space." Paragraph 0016. Paragraph 0038 states:

"Before shipping the product to the vendor, the supplier will have to ensure that there is space available within a vendor premises. In this regard, every vendor will be required to have a shelf unit size (SUS). The shelf unit size will specify the cubic feet/meters available in one unit of shelf space. Each vendor will be entitled to set its own SUS and the maximum number of units available. Vendors could also be allowed to set the maximum number of available units for each product, or alternately, this value could be set by the website provider. Suppliers will then be allowed to purchase or rent a predetermined maximum number of units per product."

There is no explanation in the specification connecting applicant's use of the phrase "found shelf space" with the description in the specification. There is no description of searching for shelf space or anything else. The specification describes vendors providing information regarding shelf space that they have available and the supplier then being able to interact with the vendor to secure said shelf space. The supplier is completely at the mercy of the vendor with regard to the accuracy of the information the vendor is providing.

Pertaining to rejection under 35 USC 112 in the previous office action

Applicant's arguments filed October 5, 2009, have been fully considered but they are not persuasive. Claims 1, 3-16, 18, 20, and 22-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. "Found shelf space" is not described in the specification. This rejection was made

because the term indicates that a search process is involved, but there is no mention of a search concept anywhere in the specification. Applicant's argument merely confirms that this is an attempt to claim much more than is encompassed within the disclosure. Applicant's explanation is that the supplier is allowed to simply invite itself in to search vendors' premises for available shelf space. This is a significant concept that is not described in the specification at all. The specification describes the vendor registering information and the supplier being provided with the information that the vendor has registered. The features described in applicant's argument are simply not disclosed and are in fact quite far outside the realm of what is described in the disclosure.

Pertaining to rejection under 35 USC 101 in the previous office action

Applicant's arguments filed October 5, 2009, have been fully considered but they are not persuasive. Applicant's amendment of claims 1 and 13 is adequate to overcome this rejection. The amendment of claim 10 is inadequate. Applicant argues that the recitation of a "computer readable storage medium" in preamble "provides a concrete and tangible step" and "transforms the indicated shelf space from the display of one tangible article to another tangible article, and is embodied within a particular apparatus or machine." A computer readable storage medium is not a particular machine or apparatus. It is an article of manufacture. Applicant has interpreted the second prong, "transformation of a particular article," in a way that can only be described as metaphysical. Transforming what is essentially empty space by placing one object in it rather than another is certainly not what the court had in mind in establishing the test. See the rejection below for further explanation. It is further noted

that applicant's argument does not accurately reflect the claim. The claim is actually directed to "reserving the found shelf space for the use of the supplier." Thus there is not even an object being placed in the space, the space is merely being reserved for the possible placement of an object. Thus empty space with a range of possible purposes is transformed into empty space with a specific purpose. Examiner's position is that empty space is not a particular article and that this is not transformation of a particular article.

Pertaining to rejection under 35 USC 103 in the previous office action

Applicant's arguments, see remarks, filed October 5, 2009, with respect to the rejection(s) of claim(s) 1, 3-16, 18, 20, and 22-24 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 USC 103(a).

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "Found shelf space," and "computer readable storage medium" are not introduced or described in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. **Claims 10-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 10-12 are directed to a process that does nothing more than manipulate an abstract idea. Mere recitation in the preamble (i.e., intended use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter upon an otherwise abstract idea. These claims can be examined from two different approaches. They could be directed to a method or they could be directed to a computer readable storage medium with a method embodied therein. If considered as method claims their only tie is to an article of manufacture rather than a machine or apparatus and they do not transform the article.

The first step in determining whether a claim recites patent eligible subject matter is to determine whether the claim falls within one of the four statutory categories of invention recited in 35 USC 101: process, machine, manufacture and composition of matter. The latter three categories define "things" or "products," while a "process" consists of a series of steps or acts to be performed. For purposes of section 101, a "process" has been given a specialized, limited meaning by the courts. Based on Supreme Court precedent and recent Federal Circuit decisions, a process must (1) be tied to a particular machine or apparatus, or (2) transform a particular article to a

different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process. See *In re Bilski*, 2008 U.S. App. LEXIS 22479. An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. The present claims appear to recite purely mental steps.

A claim that involves a process that transforms a particular article may be patentable under § 101. See *Diehr*, 450 U.S. at 184 (holding a process that involved calculations using the "Arrhenius equation" patentable because the claim "involve[d] the transformation of an article, in this case raw, uncured synthetic rubber, into a different state or thing"). Processes involving mathematical algorithms used in computer technology may be patentable if they are tied to a specific machine or apparatus. Mental processes—or processes of human thinking—standing alone are not patentable even if they have practical application. The Supreme Court has stated that "[p]henomena of nature, though just discovered, mental processes, and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work." *Benson*, 409 U.S. at 67 (emphasis added). In *Flook* the patentee argued that his claims did not seek to patent an abstract idea (an algorithm) because they were limited to a practical application of that idea—updating "alarm limits" for catalytic chemical conversion of hydrocarbons. 437 U.S. at 586, 589-90. The Court rejected the notion that mere recitation of a practical application of an abstract idea makes it patentable, concluding that "[a] competent draftsman could attach some form of post-solution activity to almost any mathematical formula." *Id.* at 590. Since all other

features of the process were well-known, including "the use of computers for 'automatic monitoring-alarming,'" the Court construed the application as "simply provid[ing] a new and presumably better method for calculating alarm limit values." *Id.* at 594-95. The Court held the application unpatentable because "if a claim [as a whole] is directed essentially to a method of calculating, using a mathematical formula, even if the solution is for a specific purpose, the claimed method is nonstatutory." 437 U.S. at 595 (quoting *In re Richman*, 563 F.2d 1026, 1030 (CCPA 1977)).

In order to qualify as a statutory process, therefore, claims should positively recite the machine or apparatus to which they are tied, for example by identifying the machine or apparatus that accomplishes the method steps, or they should positively recite the particular article that is being transformed, for example by identifying the material that is being changed to a different state. The mere manipulation of data is not transformation of a particular article. There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a specific article in an insignificant step, such as data gathering or outputting, is not sufficient to pass the test.

Claims 10-12 recite no machine or apparatus and do not transform a particular article to a different state or thing. If considered as method claims their only tie is to an

article of manufacture rather than a machine or apparatus and they do not transform the article.

If claims 10-12 are examined as computer readable medium claims, they are rejected because claims reciting a musical composition, literary work, compilation of data, signal, or legal document (e.g., an insurance policy) per se do not appear to be a process, machine, manufacture, or composition of matter. See, e.g., *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (“A transitory, propagating signal like Nuijten’s is not a process, machine, manufacture, or composition of matter.’ ... Thus, such a signal cannot be patentable subject matter.”).

The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 USC 101 as covering non-statutory subject matter. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 USC 101*, Aug. 24, 2009; p. 2.

A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 USC 101 by adding the limitation

"non-transitory" to the claim. *Cf. Animals -Patentability, 1077 Off. Gaz. Pat. Office 24* (April 21, 1987) (suggesting that applicants add the limitation "non-human" to a claim covering a multi-cellular organism to avoid a rejection under 35 USC 101).

Finally, since these claims are capable of interpretation as being directed to either a method or an article of manufacture, they are nonstatutory because 35 USC 101 requires that the claimed invention in fact be a single invention and that it fit squarely within one of the specified statutory classes.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. **Claims 1, 3-16, 18, 20, and 22-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "Found shelf space" is not described in the specification. The implication of the term is that a search process is involved, but no search algorithm is described and in fact the very concept of searching is not addressed in the specification. The specification describes the vendor registering information and the supplier being provided with the information that the vendor has registered. The features described in applicant's argument are simply not

disclosed and are in fact quite far outside the realm of what is described in the disclosure. See remarks filed October 5, 2009, pages 6-7.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1, 3-9, 13-16, 18, 20, and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The various numbered “subsystem” claim elements are means plus function limitations that invoke 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed functions such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed functions.

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)); or

(c) State on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed function.

For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-16, 18, 20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (Paper No. 20080506; US Patent No. 7,340,419 B2; prior publication 2002/0133407 A1) in view of Levasseur (US Patent No. 5,029,098), and further in view of "FIELDS AND FULMER" (Paper No. 20090123; Non Patent Literature cited in form PTO-892 item U).

Walker discloses web based (see at least column 4 lines 45-55) systems and methods for marketing products comprising registration of suppliers and information regarding products, registering of vendors and their information, requesting display of products by vendors, and the transacting of sales of products with compensation to vendor and supplier. Please note: the information describing suppliers, vendors, products, etc., is descriptive material and is not functionally involved in the recited steps of the method. Because it has no functional role in the method it is non-functional descriptive material. This descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106). Walker further discloses:

- a main computer device: (see at least column 4 lines 60-65, column 7 lines 25-65, column 12 lines 14-35);

- providing information on a product and a supplier of said product: registration of suppliers of products and information with respect to said products, cataloguing specifications of products and identification with respect to product contact persons (see at least figs.1-2, 4-7; column 3 lines 38-46, column 5 lines 29-47, column 6 lines 1-7, column 7 lines 4-10); supplier registration includes a first section for supplier registration information (see above), a second section for rules of use, a third section which generates username and password information for said supplier (see at least column 3 lines 3-11, column 8 lines 35-44);
- providing information on vendors: with available shelf space to display said product, said information including information on available shelf space and cost of said shelf space, registration of vendors with shelf space available to display said products and registration of information with respect to finding available shelf space and associated fees, registration of vendors and vendor contact information, section for rules of use and a section that generates username and password information for said vendor (see at least fig.6, column 2 lines 14-22, column 3 lines 3-11, column 8 lines 35-44, 50-61. Please note: providing and registering vendors and information concerning the vendors is being given functional weight by the examiner, however, the descriptive information within each detail maintained is nonfunctional descriptive matter. For example, the functional aspect of the information is that it has bearing on the ability of the vendor to perform, however, the specific information is nonfunctional because it does not affect the function of the systems and methods. Nonetheless the

examiner believes most if not all of the information listed above is in fact disclosed in the reference);

- negotiating with said vendors for desired (required) found shelf space: reserving the found shelf space for use of the supplier, and the supply and display of said products upon the found shelf space and payment for the display and sale of said products, suppliers and vendors negotiate, contact persons negotiate (see at least abstract, figs.5,7; column 2 lines 14-22, 48-54; column 3 lines 3-11, column 9 lines 13-26); messaging systems to permit vendors and suppliers to send messages to each other (see at least column 4 lines 45-54, column 5 lines 1-14, column 6 lines 1-21);
- supplying said products to said vendors for display and sale: viewing registered products by location and category (see at least abstract, figs. 5,7; column 2 lines 14-22, 48-67; column 9 lines 13-28);
- accounting for the sale of said products by said vendors: account section for maintaining account of products shipped, cost of shelf space, sales information, incoming products, inventory and sales, payments, product information, outgoing product section, sales report section, product returns section, direct sales order section and a messaging section, services and fee section, incoming product section, inventory and sales section (see at least fig.2, column 4 lines 45-54, column 5 lines 1-14, column 6 lines 1-21, column 8 lines 20-34, column 9 lines 34-45. Please note: maintaining accounts is being given functional weight by the examiner, however, the descriptive information within each detail maintained is

nonfunctional descriptive matter. Nonetheless the examiner believes most if not all of the information listed above is in fact disclosed in the reference);

- providing supplier with a predetermined percentage of said sales: (see at least figs.3,5; column 4 lines 55-67, column 6 line 58- column 7 line 3).
- subsystems are operably interconnected through the internet: computer device is accessible by said suppliers and said vendors through internet connection means via the web, system is web based, maintained by a web provider (see at least column 4 lines 45-60, column 5 lines 29-48, column 7 lines 33-46. Please note: the identity of the entity that maintains the system is not patentable subject matter, nor is it patentably distinguishing. If it were, any entity desiring to use a previously patented invention could simply draft an application naming themselves as the user);
- direct sales of products: (see at least column 2 lines 55-67, column 3 lines 12-19).
- computer readable storage medium: (see at least column 7 lines 32-47, 60-67; column 8 lines 5-19, column 12 claims 11-13).

Walker teaches all of the above as noted and teaches a) accepting products from suppliers for display, b) accepting competing products from other suppliers for display in proximity to similar products, c) negotiations between the vendor and suppliers for display space, d) registration of information from suppliers and vendors regarding products and information regarding relevant display space, and e) the value of limited physical display spaces in stores (see at least column 2 lines 14-22), but Walker does

not explicitly disclose ensuring that there is available shelf space as found shelf space available in a vendor premise. Levasseur discloses a) accepting products from suppliers for display, b) accepting competing products from other suppliers for display in proximity to similar products, c) negotiations between the vendor and suppliers for display space, and d) the value of limited physical display spaces. Levasseur also teaches ensuring that there is available shelf space as found shelf space available in a vendor premise (see at least abstract, figs. 10, 13, 16, 19, 22, 25; column 7 lines 59-69). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the systems and methods of Walker to include ensuring that there is available shelf space as found shelf space available in a vendor premise, as taught by Levasseur, in order to logically broaden the applicability of the systems and methods to a wider range of commercial opportunities and thereby increase it's use in commerce.

Walker in view of Levasseur teaches all of the above as noted and teaches a) accepting products from suppliers for display, b) accepting competing products from other suppliers for display in proximity to similar products, c) negotiations between the vendor and suppliers for display space, d) registration of information from suppliers and vendors regarding products and information regarding relevant display space, and e) the value of limited physical display spaces in stores, but Walker in view of Levasseur does not explicitly disclose the application of the systems and method to suppliers and vendors negotiating for the vendors' actual physical shelf space. Fields and Fulmer teaches a) accepting products from suppliers for display, b) accepting competing products from other suppliers for display in proximity to similar products, c) negotiations

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between the vendor and suppliers for display space, and d) the value of limited physical display spaces in stores and also teaches suppliers and vendors negotiating for the vendors' actual physical shelf space (see at least page 1 abstract, ¶¶2-3; page 2).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the systems and methods of Walker in view of Levasseur to include suppliers and vendors negotiating for the vendors' actual physical shelf space, as taught by Fields and Fulmer, in order to extend the use of the systems and methods to a wider range of commercial opportunities and thereby increase its use in commerce.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM LEVINE whose telephone number is (571)272-8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571.272.6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Adam Levine/
Examiner, Art Unit 3625

Adam Levine
Patent Examiner
June 6, 2010